

SEP 10 2007

Application No. 10/635,112

Filed: August 6, 2003

TC Art Unit: 2875

Confirmation No.: 2059

REMARKS

Claims 1-40 are pending. Claims 1-8, 11, 12, 14, 19, 21-24, 26, 36, 37, and 39 stand rejected under 35 U.S.C. § 102(b) and claims 9, 10, 13, 15-18, 20, 25, 27-35, 38, and 40 stand rejected under 35 U.S.C. § 103(a). Claims 1 and 3 have been amended. No new matter has been added. The Applicant respectfully traverses the grounds for rejection and requests withdrawal thereof.

SECTION 102(a) REJECTIONS

Claims 1-8, 11, 12, 14, 19, 21-24, 26, 36, 37, and 39 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Number 2,935,151 to Watters, et al. ("Watters"). The Applicant respectfully traverses these rejections in view of the above amendments and for the reasons provided below.

In pertinent part, claim 1 has been amend to recite:

a light-diffusing, acoustically non-reflective cover attached to and around the periphery of the backing panel, at least a portion of the cover being spaced apart from the backing panel to define a cavity between the backing panel and the cover, the cover forming a ceiling surface

In contrast, Watters discloses a drop ceiling in which the acoustic tiles (15) are "maintained in spaced relation with the ceiling 5." U.S. Patent Number 2,935,151, col. 2, lines 62-63; FIG. 1. The acoustic tiles (15) are not physically attached to the backing panel (5) nor are the acoustic tiles attached around the periphery of the backing panel (5). Instead an elaborate

Application No. 10/635,112
Filed: August 6, 2003
TC Art Unit: 2875
Confirmation No.: 2059

("Zarem"); claims 11 and 20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Watters in view of U.S. Patent Number 4,829,728 to Castelli ("Castelli"), claim 18 and claims 30-32 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Watters in view of U.S. Patent Number 6,540,373 to Bailey ("Bailey I"); claims 33-35 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Watters and Bailey I, further in view of U.S. Patent Number 6,764,196 to Bailey ("Bailey II"); and claim 38 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Watters in view of U.S. Patent Application Publication Number 2007/0000201 to Kennedy ("Kennedy"). The Applicant respectfully traverses these rejections in view of the above amendment and for the reasons provided above and below.

Claims 15-17, 25, and 26-29

The shortcomings of the Watters reference have been discussed above. For the same reasons that Watters does not anticipate independent claim 1 of the present invention, it also cannot make claim 1 or any claim depending therefrom obvious.

Claims 9 and 40

Nor can the Capaul reference make up for the shortcomings of the Watters reference. Capaul does not teach, mention or suggest physically attaching the cover to the backing panel as recited in claim 1.

Claim 10

Nor can the Zarem reference make up for the shortcomings of the Watters reference. Zarem does not teach, mention or suggest

-11-

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

SEP 10 2007

Application No. 10/635,112

Filed: August 6, 2003

TC Art Unit: 2875

Confirmation No.: 2059

system of struts (7) and T-shaped beams (9) are needed to attach the acoustic tiles (15) to the ceiling (5). Accordingly, Watters does not teach, mention or suggest attaching the cover to the backing panel or attaching the cover around the periphery of the backing panel, and, therefore, cannot anticipate the invention as claimed.

With respect to claim 22, there is also no teaching in Watters that

the edges of the backing panel have a stepped configuration for overlapping the edges of adjacent modules when installed in the hung ceiling system.

Watters Fig. 1 shows a continuous backing panel (5). There is neither a stepped configuration nor any edge overlap. Compare that with FIG. 2 of the present invention at the hanger elements (17).

Accordingly, the Applicant asserts that claim 1 and all claims depending therefrom satisfy 35 U.S.C. § 101, et seq., especially § 102(b), and are in condition for allowance.

SECTION 103(a) REJECTIONS

Claims 15-17, 25, and 27-29 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Watters; claims 9 and 40 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Watters in view of U.S. Patent Number 5,782,551 to Capaul ("Capaul"); claim 10 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Watters in view of U.S. Patent Number 5,457,557 to Zarem, et al.

-10-

WEINBERG, SCHERER,
GAGNER & LEBOVITZ LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

Application No. 10/635,112
Filed: August 6, 2003
TC Art Unit: 2875
Confirmation No.: 2059

physically attaching the cover to the backing panel as recited in claim 1.

Claims 11 and 20

Nor can the Castelli reference make up for the shortcomings of the Watters reference. Castelli does not teach, mention or suggest physically attaching the cover to the backing panel as recited in claim 1.

Claim 18 and claims 30-32

Nor can the Bailey I reference make up for the shortcomings of the Watters reference. Bailey I does not teach, mention or suggest physically attaching the cover to the backing panel as recited in claim 1.

Claim 33-35

Nor can the Bailey II reference make up for the shortcomings of the Watters and Bailey I references. Bailey II does not teach, mention or suggest physically attaching the cover to the backing panel as recited in claim 1.

Claim 38

Nor can the Kennedy reference make up for the shortcomings of the Watters reference. Kennedy does not teach, mention or suggest physically attaching the cover to the backing panel as recited in claim 1.

Application No. 10/635,112

Filed: August 6, 2003

TC Art Unit: 2875

Confirmation No.: 2059

Accordingly, the Applicant asserts that claims 9, 10, 13, 15-18, 20, 25, 27-35, 38, and 40 satisfy 35 U.S.C. § 101, et seq., especially § 103(a), and are in condition for allowance.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

SHEILA KENNEDY

By: 

Stanley M. Schurgin

Registration No. 20,979

Attorney for Applicant

WEINGARTEN, SCHURGIN,

GAGNEBIN & LEBOVICI LLP

Ten Post Office Square

Boston, MA 02109

Telephone: (617) 542-2290

Telecopier: (617) 451-0313

SMS/mrb

355224.1